REMARKS

Status of the Application

Claims 1-4 and 6-15 are pending in the application and have been examined.

Objections to the Claims

Claims 1 and 6-9 have been objected to as allegedly being difficult to understand, thereby rendering the claim limitations vague. Applicant has amended claims 1 and 6-9 to clarify the claim language. Claims 4 and 10-12 have also been amended to be consistent with claims 1 and 6-9. Applicant respectfully submits that the amended claims overcome the objection and respectfully request that the objection be withdrawn.

Claim Rejections

Claims 1 and 6-9 --- 35 U.S.C. § 112

Claims 1 and 6-9 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner alleges that there is insufficient antecedent basis for the limitation "primary play candidate data name selection means for user selection of one or a plurality of game data names from secondary play candidate data stored in the secondary play candidate data storage means as one or a plurality of primary play candidate names," recited in these claims. Applicant respectfully disagrees with the Examiner.

Each element of the cited limitation, with the exception of "the secondary play candidate data storage means," is properly recited in the claim for the first time without being modified by "said" or "the," as required. The element "the secondary play candidate data storage means" was properly introduced in the preceding clause, which therefore provides sufficient antecedent basis for that element.

Accordingly, Applicant respectfully requests that the Examiner withdraw this § 112 rejection of claims 1 and 6-9.

Claims 1-4 and 6-15 --- 35 U.S.C. § 103(a)

Claims 1-14 and 6-15 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,820,265 to Stamper ("Stamper") in view of U.S. Pat. Pub. No. 2001/0034267 to Toyama *et al.* ("Toyama").

Applicant's invention allows a player or players to name and save data related to playing a video game. Subsequent selection of the saved game-related data for frequently played games is made easier, even when a large number of named game related data files have been saved, because the user can prioritize the saved game data as priority or non-priority game data. The prioritization provides easy identification and selection of desired data from a selection list. The combination of Stamper and Toyama does not disclose or suggest these features.

Addressing claim 1, the combination of Stamper and Toyama does not disclose or suggest storing at least one primary play candidate data file including primary play candidate data name information for displaying said one or more selected primary play candidate data names and user-designated priority and non-priority primary play candidate game data corresponding to said primary play candidate data names, and displaying said one or more selected primary play candidate data names, as recited in the amended claim.

Stamper is directed to a system and method for sharing data between a video game and subsequent versions of the video game (column 1, lines 33-64). Information pertaining to a first video game program is stored in memory and a second video game program, i.e., a subsequent version of the same video game, executes queries for shareable information and retrieves information previously stored by the first video game program (column 5, lines 2-4). In other

words, a first video game automatically stores information related to playing parameters of that game which may then be automatically accessed by a subsequent video game.

Thus, Stamper discloses a first video game program that ***automatically stores video game data*** and a second separately executable video game program that ***automatically queries memory for applicable stored game data***. Stamper, however is silent as to storing at least one primary play candidate data file including primary play candidate data name information for displaying said one or more selected primary play candidate data names and ***user-designated priority and non-priority primary play candidate game data*** corresponding to said primary play candidate data names, and displaying said one or more selected primary play candidate data names, as required by the claims.

In the Response to Arguments section of the Office Action, the Examiner states that no clear specific language in the arguments or in the claims identifies how or where the easy identification of game data is being conducted. The amended claims clearly recite that primary play candidate data names are selected from one or more game data names from the secondary play candidate data and are displayed as user-designated priority and non-priority primary play candidate game data corresponding to said primary play candidate data names. In other words, the primary play candidate game data and the displayed data names correspond to a subset of the secondary play candidate data. Further, the data corresponding to the displayed data names has been user-prioritized according to the preference of the user. Thus, the claim language clearly identifies how and where the easy identification of game data is conducted.

The Examiner further states that data being saved automatically or manually does not at this point distinguish the differences in invention, and that Stamper clearly teaches data being saved and retrieved by a player. While Stamper allegedly discloses automatically saved game

data, ***Stamper fails to disclose or suggest the user-prioritization capability for the saved game data***, as recited in the claims.

Further, the Examiner states, "Stamper clearly teaches as acknowledged by the applicant, data being saved and retrieved by the player." Applicant respectfully submits that neither the previous arguments nor the present arguments acknowledge that Stamper teaches data being saved and retrieved by a player. Applicant previously argued that Stamper discloses a first video game program that automatically stores video game data and a second separately executable new version of a video game program that automatically queries memory for applicable stored game data . See Amendment filed July 17, 2008, page 12. As disclosed by Stamper and cited by the Examiner, storage and retrieval of game data is controlled automatically:

> On the other hand, if a first game cartridge containing programming information for a first video game program is connected to the console, the processor 12 acts under control of the first video game program. Then, at a step 52, ***the video game system determines whether a trigger event has occurred indicating the existence of information*** for storage in a universally accessible location of the memory 16. ... ***If the system determines that a trigger event has not occurred, it continues to query*** for such trigger events as shown in Fig. 6. However, ***if the system determines that a trigger event has occurred, the processor 12 then writes information pertaining to the trigger event*** into its memory 20. *See column 7, lines 36-64* ***(emphasis added)***.

Thus, as disclosed by Stamper, storage and retrieval of game data is controlled automatically by the processor and is related only to different versions of a specific video game. Stamper does not disclose or suggest the capabilities to store a primary play candidate data file which includes primary play candidate data name information and user-designated priority and non-priority primary play candidate game data, and to display selected primary play candidate data names, as set forth in the claims. Toyama does not provide the disclosure missing in Stamper.

The Examiner relies on Toyama only to allegedly disclose video game data being saved by a player's name and graphical character for easy retrieval at a later time. However, Toyama does not disclose or suggest storing at least one primary play candidate data file including primary play candidate data name information for displaying said one or more selected primary play candidate data names and user-designated priority and non-priority primary play candidate game data corresponding to said primary play candidate data names, and displaying said one or more selected primary play candidate data names, as recited in the claim.

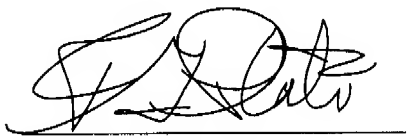
Accordingly, claim 1 is patentable over the combination of Stamper and Toyama. Claims 6-9, 10 and 13 contain features similar to the features recited in claim 1 and are therefore patentable for similar reasons. Claims 2-4, 11, 12, 14 and 15 are patentable at least by virtue of their dependencies from one of claims 1, 10 and 13.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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